

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

February 9, 2012 Meeting

Agenda Item 4

SUBJECT: Beach Coin Laundromat Amendments - PA2011-209
200 30th Street

- General Plan Amendment No. GP2011-010
- Local Coastal Plan Amendment No. LC2011-006
- Code Amendment No. CA2011-013

APPLICANT: Pete Fenton, Beach Coin Laundry LLC

PLANNER: Fern Nueno, Assistant Planner
(949) 644-3227, fnueno@newportbeachca.gov

PROJECT SUMMARY

The property owner seeks to continue the nonconforming commercial use of the subject property by requesting the following amendments:

- 1) General Plan Amendment to change the land use designation from Two-Unit Residential (RT) to Visitor Serving Commercial (CV),
- 2) Coastal Land Use Plan Amendment to change the designation from Two-Unit Residential (RT-E) to Visitor Serving Commercial (CV-A), and
- 3) Zoning Code Amendment to change the zoning designation from Two-Unit Residential (R-2) to the Commercial Visitor-Serving (CV).

No change in land use or new development is proposed at this time.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ (Attachment No. PC 1) recommending City Council approval of:
 - General Plan Amendment No. GP2011-010,
 - Local Coastal Plan Amendment No. LC2011-006, and
 - Code Amendment No. CA2011-013.

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Laundromat
NORTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Residential
SOUTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Residential
EAST	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Residential
WEST	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Residential

INTRODUCTION

Project Setting

The subject lot is located on the Balboa Peninsula and is approximately 2,375 square feet in area (25 feet wide by 95 feet deep). The lot is developed with an approximately 1,175 square foot, single-story commercial building and a surface parking lot with four (4) parking spaces. The surrounding area is developed primarily with two-unit residential uses with commercial and mixed-use districts nearby.

Background

The existing building was constructed prior to 1953 and the City does not have any building permits on file for this property. On May 21, 1953, the Planning Commission approved Use Permit No. 88 to allow alterations to the existing, nonconforming building. At the time, the property was designated for residential use; however, the structure was being used for a commercial use (grocery store).

On September 15, 1960, the Planning Commission approved Use Permit No. 669 to allow the operation of a laundromat for a period of four (4) years. On September 1965, the Planning Commission approved an extension for the duration of the lease or a maximum of seven (7) years. On September 28, 1971, the Modifications Committee approved a two (2) year extension. On September 25, 1973, the Modifications Committee approved a two (2) year extension. On September 2, 1975, the Modifications Committee approved a five (5) year extension. Since September 2, 1980, when the Use Permit expired, the laundromat has been in operation as a nonconforming use.

On January 28, 2008, the City Council adopted Ordinance No. 2008-05, which in addition to other Zoning Code changes, established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until Coastal Commission approval of the City's Local Coastal Plan (LCP) amendments, which occurred on July 14, 2009, and the subsequent Zoning Code Update which was effective November 25, 2010.

On October 25, 2010, the City Council adopted a Comprehensive Update to the Zoning Code (Newport Beach Municipal Code Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The two unit residential zoning designation of the subject property was changed from Two Family Residential (R-2) District to Two-Unit Residential (R-2). Since the use of the subject property is a commercial use in a residential zone, it was subject to abatement in accordance with Ordinance No. 2008-05.

The City sent letters to all known uses that are subject to abatement. Staff has met and continues to meet with many of the owners of property that are subject to abatement. Staff has explained to those owners the options available to them to remedy their individual situations. Those remedies may include conversion of use or development to a residential use; request for extension of the abatement period; and/or request to amend the General Plan, Coastal Land Use Plan and Zoning Code to allow the continuation of the commercial use. In the case of the subject application, the owner chose to pursue amendments to change the land use designations of their property from residential to commercial.

Project Description

The subject application does not include a specific project for development at this time. The proposed land use changes, as shown below, would allow the retention of the existing land use and allow for future development in accordance with the standards of the proposed Zoning District.

	Existing	Proposed
General Plan	Two-Unit Residential (RT)	Visitor Serving Commercial (CV)
Coastal Land Use Plan	Two-Unit Residential (RT-E)	Visitor Serving Commercial (CV-A)
Zoning Code	Two-Unit Residential (R-2)	Commercial Visitor-Serving (CV)

When the application was submitted, a mixed use land use designation was considered for the property. However, upon further review staff believes Visitor Serving Commercial is more suitable than a mixed use district designation. The Visitor Serving Commercial Zoning District reflects the existing development and due to the size of the property and the development standards for the mixed use districts, redevelopment of the property as a mixed-use structure would not be feasible without multiple deviations from the Zoning Code standards.

DISCUSSION

Analysis

Amendments to the General Plan Land Use Plan, Coastal Land Use Plan, and Zoning Code are legislative acts. Neither City regulations nor State planning law set forth required findings for approval or denial of such amendments. However, when making a recommendation to the City Council, the Planning Commission should consider applicable policies and development standards to ensure internal consistency and to further the public health, safety, and general welfare of the community.

General Plan

The applicant requests to amend the General Plan to change land use designation of the subject property from Two-Unit Residential (RT) to Visitor Serving Commercial (CV). The RT category applies to a range of two family residential dwelling units such as duplexes and townhomes. The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach. Nearby properties along Newport Boulevard and Balboa Boulevard are designated as CV 0.5 FAR.

In considering the proposed General Plan Amendment, the Planning Commission should consider the following Land Use Element policies:

Policy LU 3.3 - Opportunities for Change

Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors...

- ***Balboa Peninsula:*** *more efficient patterns of use that consolidate the Peninsula's visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial districts along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve the historical and architectural fabric of these districts.*

Policy LU 6.8.1 – Urban Form

Establish development patterns that promote the reinforcement of Balboa Peninsula's pedestrian scale and urban form as a series of distinct centers/nodes and connecting corridors.

Policy LU 6.8.6 – Historic Character

Preserve the historic character of Balboa Peninsula's districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

Approval of the amendment will allow the continuation of the existing commercial development, thereby not subjecting the use to abatement. This will help avoid creating a vacant building on 30th Street and Balboa Boulevard in the near future. The presence of vacant storefronts has the opposite effect of revitalization.

The commercial use has been on the subject property for over fifty years with no land use conflicts. A laundromat is a visitor-serving use that serves the local community and visitors to the area. The scale of the existing building, and of any potential project that could be developed under the CV designation, is compatible with the nearby two-unit residential uses and promotes a pedestrian scale along 30th Street and Balboa Boulevard.

Coastal Land Use Plan

The subject property is located in the coastal zone and is subject to the applicable goals, objectives, and policies of the Coastal Land Use Plan (Plan). This Plan is created to govern the use of land and water in the coastal zone within the City of Newport Beach and is in accordance with the California Coastal Act of 1976. The subject property has a land use designation of Two-Unit Residential (RT-E). The applicant is requesting to change the current land use designation to Visitor Serving Commercial (CV-A). The subject property does not contain any sensitive coastal resources as it is presently improved with a commercial building, nor is it located where public access easements would be required. The Coastal Act prioritizes land uses, and visitor-serving uses are a higher priority land use than residential use. The continuation of commercial uses and future redevelopment on the subject property as allowed in the CV-A designation will not conflict with the policies of the Coastal Act.

Zoning Code

The R-2 Zoning District is intended to provide for areas appropriate for a maximum of two residential dwelling units located on a single legal lot. The Commercial Visitor-Serving (CV) Zoning District is intended to provide for areas appropriate for the accommodations, goods, and services intended to primarily serve visitors to the City. The primary purpose of the requested amendment is to maintain the existing commercial development. Laundromats are defined as a Personal Services, General land use pursuant to Chapter 20.70 (Definitions) of the Municipal Code, and are allowed by right in the CV Zoning District. Other uses allowed by right include visitor-serving retail, financial institutions, offices, animal grooming, small health/fitness facilities, and postal services, which are compatible uses with the nearby residential uses that would serve residents and visitors to the area.

The stated purpose and intent of the Zoning Code is to carry out the policies of the General Plan. Consistency between the General Plan and zoning designation is critical to ensure orderly development and enforcement. With regard to the subject property, the existing commercial development would conform with the standards of the proposed CV Zoning District and the continued commercial use would be allowed without abatement. Future development would require conformance with applicable development standards.

Under the existing RT designation, the subject property could be developed with a maximum of two (2) residential dwelling units and four (4) parking spaces would be required. Table 1 below demonstrates how the 2,375 square-foot property could be developed under the maximum intensity/density allowance for the CV and R-2 zoning designations as well as the existing development. Pursuant to Chapter 20.40 (Off-Street Parking) of the Municipal Code, parking requirements for the commercial use are calculated at a rate of one (1) space for every 250 square feet of gross floor area, which is the parking rate for retail and personal service uses, but parking requirements vary depending on the use.

Table 1 – Development Standards							
	Front Setback	Rear Setback	Side Setbacks	Maximum Square Footage	Density/Units	Height Limit	Parking Requirement
R-2	5'	5'	3' and 3'	3,230 sf	2	24/29	2 per unit
CV	5'	10'	5' and 0'	1,187.5	NA	26/31	5 spaces (at 1/250)
Existing	0'	40'	12" and 6"	1,175 sf (~0.49 FAR)	0	~12'	4 spaces

Charter Section 423 (Measure S) Analysis

Pursuant to City Charter Section 423 and Council Policy A-18, an analysis must be prepared to establish whether a proposed general plan amendment (if approved) requires a vote by the electorate. The proposed amendment would be combined with 80 percent of the increases in traffic, dwelling units, and non-residential floor area created by previous general plan amendments (approved within the preceding 10 years) within the same statistical area. If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendment, the amendment would be classified as a “major amendment” and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years and factored into the analysis of future amendments as indicated.

Since the adoption of the General Plan in 2006, two (2) General Plan amendments have been approved by the City Council within Statistical Area B5 where the subject property is located. The first amendment was to bring consistency between the General Plan and Coastal Land Use Plan for seven (7) properties. The second amendment was to change the land use designation from residential to commercial for a property developed with a commercial building.

Table 2 below summarizes the changes created by the proposed amendments with the recommended CV designation. The table also shows threshold totals for the subject property. As indicated, none of the four (4) thresholds would be exceeded, and therefore, a vote is not required. A more detailed analysis is attached (Attachment No. PC 4).

Table 2: Charter Section 423 Analysis Summary Statistical Area B5				
	Allowed Floor Area	A.M. Peak Hour Trips	P.M. Peak Hour Trips	Increase in Allowed Dwelling Units
Prior Amendments (80%)	15,325 sf	46.48	61.87	1
Proposed GP2011-010	1,187.5 sf	2.68	3.67	-2
Total	16,512.5	49.16	65.54	0

SB18 Tribal Consultation Guidelines

Pursuant to Section 65352.3 of the California Government Code, a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that seven (7) tribe contacts should be provided notice regarding the proposed project. The appropriate tribe contacts supplied by the NAHC were provided notice on December 16, 2011. Section 65352.3 of the California Government Code requires 90 days to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period.

The project site is located in a geographic feature which was significantly modified during the last century in order to alter channels for navigation (Newport Harbor) and form habitable islands. The Balboa Peninsula area was created after the era of Native American settlement and has been subject to significant landform alteration. The City has not yet received any responses although the review period remains open. The Planning Commission may recommend approval of the proposed project to City Council at this time. However, the City Council may not act on the proposed amendments until the tribe review period is concluded. Given that the site is presently developed and that the no development is proposed at this time, staff does not anticipate any conflicts or need for monitoring by the tribes. If any comments are received from the tribes, they will be forwarded to the City Council for consideration.

Summary

The applicant has requested the amendment to allow retention of the existing commercial use and structure. The building was constructed prior to 1953. The laundromat use has been in existence for around 50 years and its abatement at this time seems contrary to the General Plan Policies that promote revitalization of the area. Continuation of these uses and future development consistent with the CV designation

does not appear to conflict with the General Plan or Coastal Land Use Plan or Coastal Act. Staff does not foresee any adverse environmental impacts with continued use. The approval of the General Plan Amendment to CV designation would not necessitate a vote of the electorate, as required by Section 423 of the City Charter.

Alternatives

The Planning Commission could also deny the application, retaining the existing land use designations as Two-Unit Residential (see Attachment No. PC 2 for draft Resolution for denial). Such action could require abatement of the existing nonresidential use in accordance with the provisions of Zoning Code Section 20.38.100 (Nonconforming Uses and Structures).

Alternatively, the Planning Commission could recommend approval of a land use designation other than Visitor Serving Commercial.


Environmental Review

The proposed amendments are exempt since they do not entail any significant alteration to the subject property and will bring the General Plan Land Use, Coastal Land Use, and Zoning District designations consistent with the present use of the subject property. The site is presently developed and no development is proposed at this time; therefore, the project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

Public Notice

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

Prepared by:


Fern Nueno, Assistant Planner

Submitted by:


Brenda Wisneski, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution - Approval
- PC 2 Draft Resolution – Denial
- PC 3 Land Use Change Map
- PC 4 Charter Section 423 Analysis

Attachment No. PC 1

Draft Resolution - Approval

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. GP2011-010, COASTAL LAND USE PLAN AMENDMENT NO. LC2011-006, AND ZONING CODE AMENDMENT NO. CA2011-013 FOR PROPERTY LOCATED AT 200 30TH STREET (PA2011-209)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pete Fenton, representing Beach Coin Laundry LLC, with respect to property located at 200 30th Street, and legally described as Lot 1, Block 129 of the Lake Tract, requesting approval of a General Plan Amendment, Coastal Land Use Plan Amendment, and Zoning Code Amendment.
2. The applicant proposes to change the General Plan Land Use Element category from Two-Unit Residential (RT) to Visitor Serving Commercial (CV), the Coastal Land Use Plan designation from Two-Unit Residential (RT-E) to Visitor Serving Commercial (CV-A), and the Zoning District from Two-Unit Residential (R-2) to Commercial Visitor-Serving (CV) for the subject property, which will result in the existing nonconforming commercial use becoming conforming.
3. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update"), resulting in the land use designation of the subject property as Two-Unit Residential.
4. On November 13, 2007, the City Council adopted Resolution No. 2007-71, approving Coastal Land Use Plan Amendment No. LC2007-001 making the Coastal Land Use Plan consistent with the General Plan Update. The Coastal Land Use Plan designation for the property was Two-Unit Residential.
5. On January 28, 2008, the City Council adopted an ordinance (Ordinance No. 2008-05) that established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan (LCP), which occurred on July 14, 2009.
6. On October 25, 2010, the City Council adopted a Comprehensive Update to the Zoning Code (Newport Beach Municipal Code Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The two unit residential designation of the subject property was changed from Two Family Residential (R-2) District to Two-Unit Residential (R-2). Since the use of the subject property is a

commercial use in a residential zone, it was subject to abatement in accordance with Ordinance No. 2008-05.

7. The subject property is located within the coastal zone. The requested change of the Coastal Land Use Plan designation is from Two-Unit Residential (RT-E) to Visitor Serving Commercial (CV-A) and will not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.
8. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds, a vote of the electorate would be required: if the project generates more than 100 peak hour trips (AM or PM); adds 40,000 square feet of non-residential floor area; or, adds more than 100 dwelling units in a statistical area.
9. This is the third General Plan Amendment that affects Statistical Area B5 since the General Plan update in 2006. Although there is no increase in the number of dwelling units, the amendment results in 1,187.5 additional square feet of non-residential floor area. The additional floor area results in an increase of 2.68 AM peak hour trips and an increase 3.67 PM peak hour trips based on the commercial and residential housing trip rates reflected in Council Policy A-18. As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required.
10. A public hearing was held on February 9, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act ("CEQA") under Class 1 (Existing Facilities).
2. The proposed amendments are exempt since they do not entail alteration to the subject property and are bringing the General Plan land use designation, Coastal Land Use Plan designation and Zoning district into consistency with the exiting development and use of the property.
3. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

1. Amendments to the General Plan and Coastal Land Use Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.
2. Zoning Code amendments are legislative acts. Neither the City Municipal Code nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare.
3. The amendments of the Land Use Element of the General Plan and the Coastal Land Use Plan will provide consistency with the proposed Code Amendment to change the zoning of the subject property from Two-Unit Residential (R-2) to Visitor Serving Commercial (CV).
4. The existing building and uses, and future development of the property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan and the Coastal Land Use Plan; and will be consistent with the purpose and intent of the Commercial Visitor-Serving (CV) zoning district of the Newport Beach Municipal Code.

SECTION 4. DECISION.**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of General Plan Amendment No. GP2011-010, and Coastal Land Use Plan Amendment LC2011-006, changing the designation from Two-Unit Residential (RT and RT-E) to Visitor Serving Commercial (CV and CV-A) and recommends approval of the request for Code Amendment No. CA2011-012 changing the zoning designation from Two-Unit Residential (R-2) to Commercial Visitor-Serving (CV), affecting 200 30th Street, Statistical Area B5, and legally described as Lot 1, Block 129 of the Lake Tract, in the City of Newport Beach, County of Orange, State of California.
2. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner related (directly or indirectly) to City's approval of the proposed Beach Coin Laundry, LLC Property Amendments (PA2011-209) including, but not limited to, General Plan Amendment No. GP2011-010, Coastal Land Use Plan Amendment LC2011-006, and Code Amendment No. CA2011-013. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and

other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Attachment No. PC 2

Draft Resolution - Denial

RESOLUTION NO. #####

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH DENYING GENERAL PLAN
AMENDMENT NO. GP2011-010, COASTAL LAND USE PLAN
AMENDMENT NO. LC2011-006, AND ZONING CODE
AMENDMENT NO. CA2011-013 FOR PROPERTY LOCATED AT
200 30TH STREET (PA2011-209)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS
FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pete Fenton, representing Beach Coin Laundry LLC, with respect to property located at 200 30th Street, and legally described as Lot 1, Block 129 of Lake Tract, requesting approval of a General Plan Amendment, Coastal Land Use Plan Amendment, and Zoning Code Amendment.
2. The applicant proposes to change the General Plan Land Use Element category from Two-Unit Residential (RT) to Visitor Serving Commercial (CV), the Coastal Land Use Plan designation from Two-Unit Residential (RT-E) to Visitor Serving Commercial (CV-A), and the Zoning District from Two-Unit Residential (R-2) to Commercial Visitor-Serving (CV) for the subject property, which will result in the existing nonconforming commercial use becoming conforming.
3. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update"), resulting in the land use designation of the subject property as Two-Unit Residential.
4. On November 13, 2007, the City Council adopted Resolution No. 2007-71, approving Coastal Land Use Plan Amendment No. LC2007-001 making the Coastal Land Use Plan consistent with the General Plan Update. The Coastal Land Use Plan designation for the property was Two-Unit Residential.
5. On January 28, 2008, the City Council adopted an ordinance (Ordinance No. 2008-05) that established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan (LCP), which occurred on July 14, 2009.
6. On October 25, 2010, the City Council adopted a Comprehensive Update to the Zoning Code (Newport Beach Municipal Code Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The two unit residential designation of the subject property was changed from Two Family Residential (R-2) District to Two-Unit Residential (R-2). Since the use of the subject property is a

commercial use in a residential zone, it was subject to abatement in accordance with Ordinance No. 2008-05.

7. On October 25, 2010, the City Council adopted a Comprehensive Update to the Zoning Code (Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The result of that action rendered commercial uses located within residential districts nonconforming. In accordance with Ordinance No. 2008-05, mentioned above, those properties are subject to abatement.
8. The subject property is located within the coastal zone. The requested change of the Coastal Land Use Plan designation is from Two-Unit Residential (RT-E) to Visitor Serving Commercial (CV-A) and will not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.
9. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds, a vote of the electorate would be required: if the project generates more than 100 peak hour trips (AM or PM); adds 40,000 square feet of non-residential floor area; or, adds more than 100 dwelling units in a statistical area.
10. This is the third General Plan Amendment that affects Statistical Area B5 since the General Plan update in 2006. Although there is no increase in the number of dwelling units, the amendment results in 1,187.5 additional square feet of non-residential floor area. The additional floor area results in an increase of 2.68 AM peak hour trips and an increase 3.67 PM peak hour trips based on the commercial and residential housing trip rates reflected in Council Policy A-18. As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required.
11. A public hearing was held on February 9, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act ("CEQA") Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. FINDINGS.

1. Amendments to the General Plan and Coastal Land Use Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments. The Planning Commission has determined

that in this particular case that the current General Plan and Coastal Land Use Plan designations are appropriate and a change is not warranted.

2. Zoning Code amendments are legislative acts. Neither the City Municipal Code nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare. The Planning Commission has determined that in this particular case, that the current Zoning designation is appropriate and that a change is not necessary for the public necessity and convenience and the general welfare.
3. The existing nonresidential use is not consistent with the goals and policies of the Land Use Element of the General Plan, the Zoning District requirements or the Coastal Land Use Plan; and therefore will be subject to abatement in accordance with Ordinance No. 2008-05.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies General Plan Amendment No. GP2011-010, Coastal Land Use Plan Amendment No. LCP2011-006, and Zoning Code Amendment No. CA2011-013.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2012.

AYES:

NOES:

ABSTAIN:

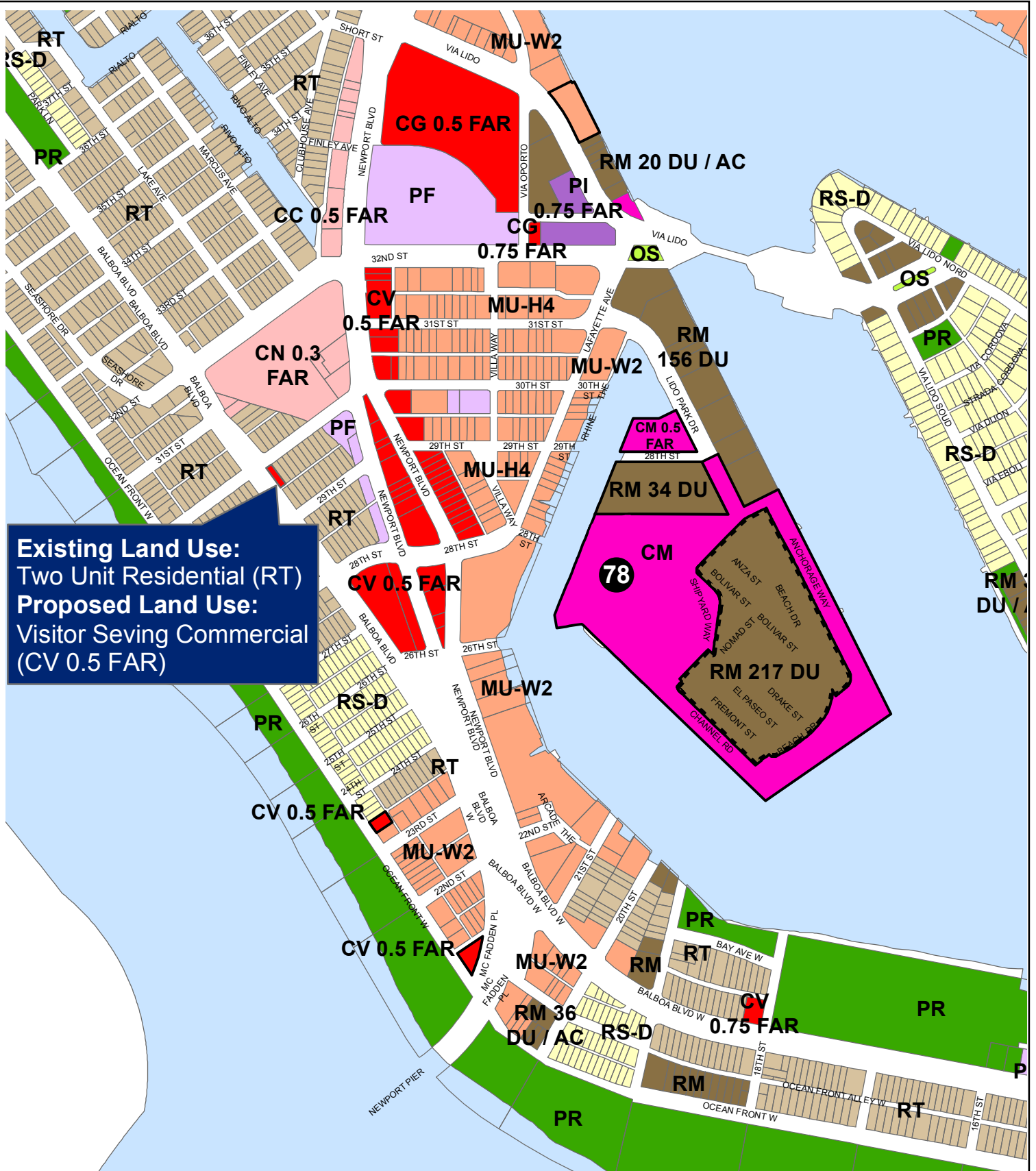
ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Attachment No. PC 3

Land Use Change Map



GP2011-010, LC2011-006, and CA2011-013

200 30th Street

0 500 1,000 Feet



Newport Info
NEWPORT INFORMATION SYSTEMS

Attachment No. PC 4

Charter Section 423 Analysis

Address	Description	Current GP	Current density	Current Intensity/floor area	Existing Traffic Land Use Description	Existing AM	Existing PM	Proposed GP	Proposed density	Proposed Intensity/Floor Area	Proposed Traffic Land Use Description	Proposed AM	Proposed PM	AM Change	PM Change	Total du changes	Total square footage changes
PREVIOUSLY APPROVED GENERAL PLAN AMENDMENT NO. GP2010-005 - STATISTICAL AREA B5																	
2102 W. Ocean Front (Map ID 4)	6,713-square-foot lot fully developed with a two-story 11-room hotel The Dorymans Inn	MU-W2	4	3356.5	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	12.11	15.91	CV 0.5	0	3,357	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	10.07	13.43	-2.04	-2.48	-4	0
2306 W. Ocean Front (Map ID 6)	3,750-square-foot lot is fully developed with a 15-room hotel The Newport Beachwalk Hotel	MU-W2	1	1875	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	6.14	8.12	CV 0.5	0	1,875	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	5.63	7.50	-0.51	-0.62	-1	0
3366 Via Lido (Map ID 2)	21,576-square-foot lot is fully developed with a two-story office building and a parking lot	RM	9	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	3.96	4.86	MU-W2	13	15,103	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	51.94	68.47	47.9796	63.6128	4	15,103
Lido Peninsula																	
670 Lido Park Dr. (Map ID 7a)	33,050-square-foot lot is fully developed with restaurants/shops on Rhine	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	CM 0.5	0	16,525	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	49.6	66.1	NA	NA	NA	NA
700 Lido Park Dr. (Map ID 7b)	34 dwelling units on a 88,546-square-foot lot	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	RM 34 du	34	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	15.0	18.4	NA	NA	NA	NA
710 Lido Park Dr. (Map ID 7c)	200+ dwelling units on an approximate 386,347 square-foot site	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	RM 217 du	217	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	95.5	117.2	NA	NA	NA	NA
101-351 Shipyard Way (Map ID 7d)	Shipyard, marine facilities, commercial on approximately 527,182 square-foot site	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	CM (anomaly #78)	0	139,840	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	419.5	559.4	NA	NA	NA	NA
Lido Peninsula subtotal			251	156,365	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	579.5	761		251	156,365		579.5	761.0	0	0	0	0
PREVIOUSLY APPROVED GENERAL PLAN AMENDMENT NO. GP2010-003 - STATISTICAL AREA B5																	
3363, 3369, 3377 Via Lido and 3378 Via Oporto	8,106 square-foot lot is fully developed with a 4,105 square-foot commercial building	RM	3	0	#220 - Apartment (0.51 AM & 0.62 PM trips per Dwelling Unit)	1.53	1.86	MU-V	4	4,053.00	#220 - Apartment (0.51 AM & 0.62 PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	14.20	18.69	12.67	16.83	1	4,053.00
Previous Amendments Total (100%)			268	161596.5		603	792		268	180,752.7		661	869	58.10	77.34	1	19,156
80% of Previous Amendments														46.48	61.87	1	15,325
PROPOSED GENERAL PLAN AMENDMENT NO. GPA2011-010 - STATISTICAL AREA B5																	
200 30th Street	2,735 square-foot lot developd with a 1,175 sfquare-foot commercial building	RT	2		#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	0.88	1.08	CV 0.5	0	1,187.50	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	3.56	4.75	2.68	3.67	2	1,187.50
Total for 80% of previous amendments and proposed amendment														49.16	65.54	0	16,512.46

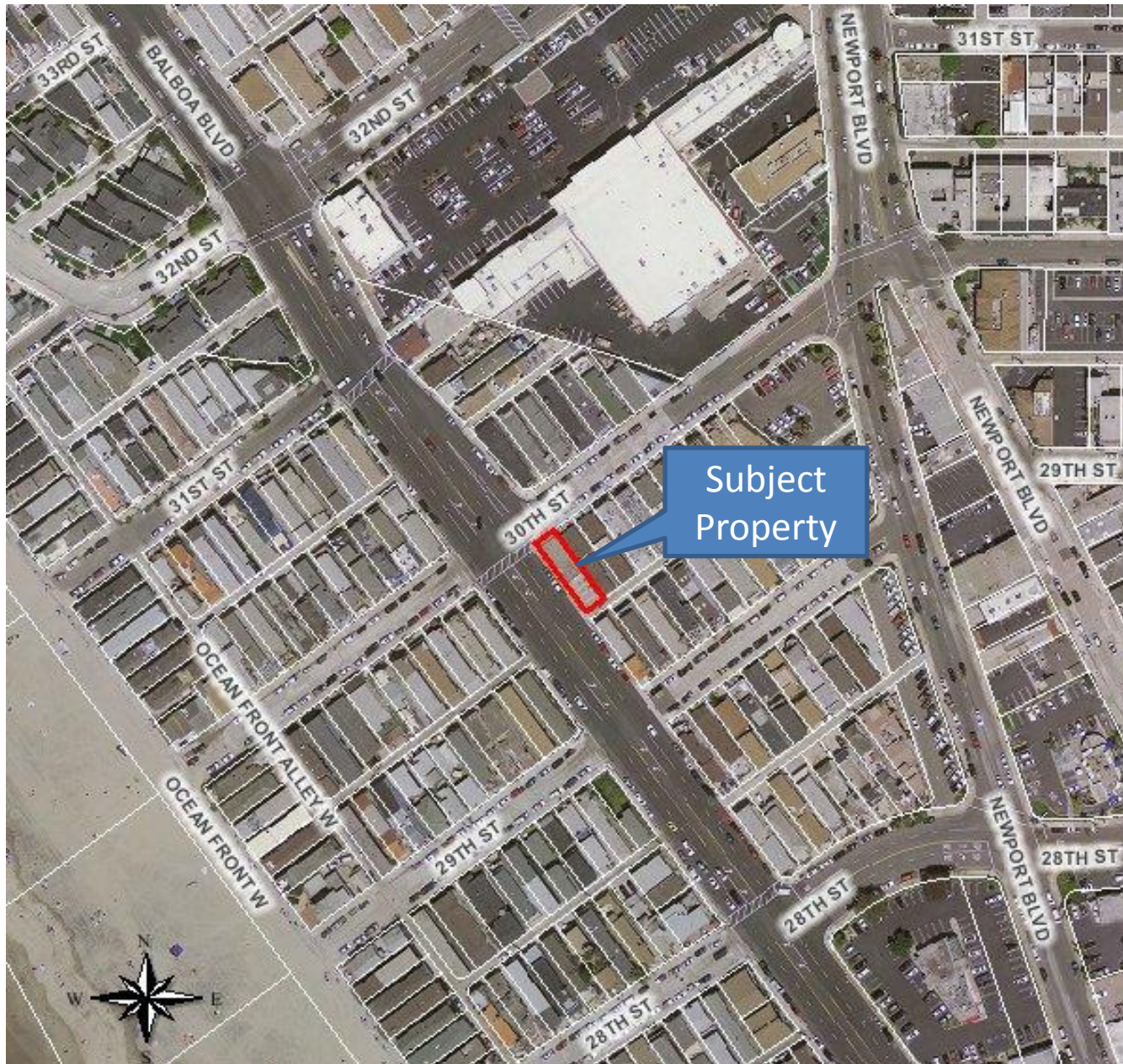
BEACHCOIN LAUNDROMAT AMENDMENTS

200 30th Street (PA2011-209)

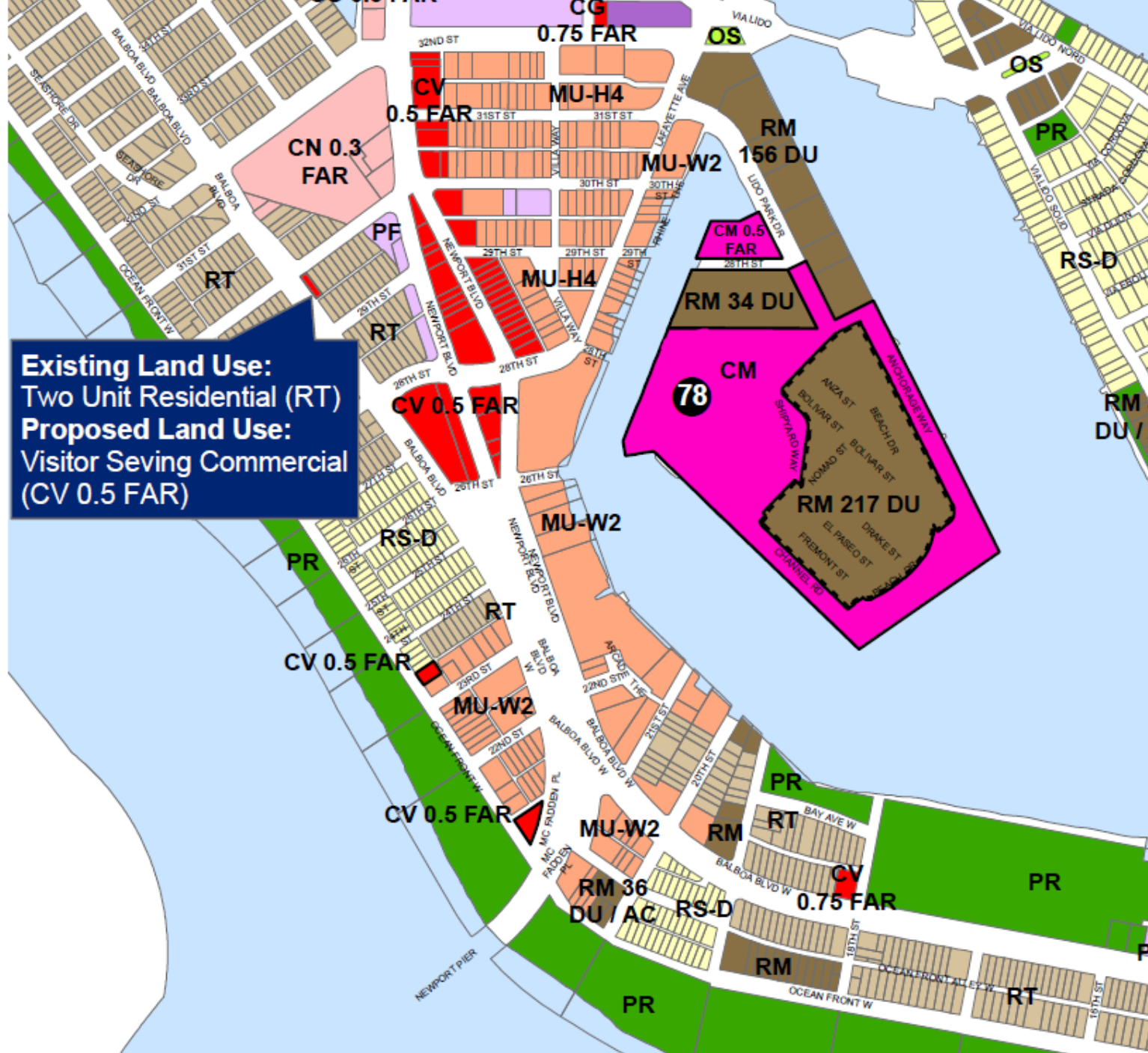
Planning Commission
Public Hearing
February 9, 2012



Vicinity Map



Existing Land Use:
Two Unit Residential (RT)
Proposed Land Use:
Visitor Serving Commercial (CV 0.5 FAR)



Development Standards

	R-2	CV	Existing
Front Setback	5'	5'	0'
Rear Setback	5'	10'	40'
Side Setbacks	3' and 3'	5' and 0'	12" and 6"
Maximum Square Footage	3,230	1,187.5	1,175 (~0.49 FAR)
Density/Units	2	NA	0
Height Limit	24/29	26/31	~12'
Parking Requirement	2 per unit	5 spaces (at 1/250)	4 spaces

Subject Property

200 30th Street

